

EXHIBIT E

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MICHELLE HERNANDEZ,

Plaintiff,

v.

EMPIRE TODAY, LLC,

Defendant.

§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. EP-19-CV-260-DB

DECLARATION OF ANTHONY LAMANNA

I, Anthony LaManna, declare under penalty of perjury as follows:

1. My name is Anthony LaManna. I am over 21 years of age and am fully competent to make this declaration. I have personal knowledge of all facts recited herein and state that such facts are true and correct.

2. I am employed by Empire Today, LLC as Compliance Manager. In this capacity, I have knowledge of the facts set forth herein based on my personal knowledge and/or review of business and personnel records. If called as a witness, I could and would competently testify to the matters stated herein.

3. I make this supplemental declaration in support of Defendant's Reply in support of its Motion for Summary Judgment and in response to Plaintiff's Response to Defendant's Motion for Summary Judgment.

4. After Ms. Hernandez's termination, her job duties were distributed among the other sales employees within her department, which included males and females. One of these individuals is Ruby Villa, a female sales employee. Like Ms. Hernandez, Ms. Villa took personal leave in 2017 to have her baby, but timely returned to work by July 6, 2017.

5. Ms. Villa disclosed to Empire Today that she had a “high risk” pregnancy along with several impairments, some of which were related to the high-risk nature of her pregnancy. In consideration of Ms. Villa’s privacy, I have not disclosed these impairments in this Declaration.

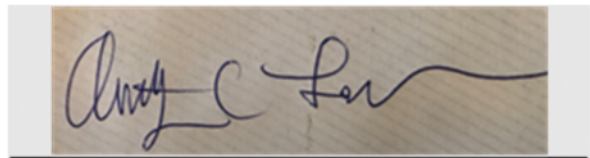
6. Ms. Villa also had previously taken maternity leave in January 2015, and timely returned to work in April 2015.

7. Andre Apperwhite did not replace Plaintiff and was never supervised by Ms. Rae.

8. Exhibit C to Plaintiff’s Response is Ms. Hernandez’s Personnel Change Form, documenting her separation from Empire Today. This form was completed in full and signed by me and Empire Today’s Human Resources Manager, Fernando Garcia on August 3, 2017, the day after Ms. Hernandez’s termination.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 13, 2020



Anthony LaManna, Compliance Manager for
Empire Today, LLC